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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,774	11/22/1999	MICHAEL G MIKURAK		9073

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MINNEAPOLIS, MN 55402-1609

EXAMINER

DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/444,774

Applicant(s)

MIKURAK, MICHAEL G

Examiner

Arthur Duran

Art Unit

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12/1/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 70-86 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 70-86 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 17. 6) ☐ Other:

### **DETAILED ACTION**

1. Claims 70-86 have been examined.

#### ***Response to Amendment***

2. The Amendment filed on 12/1/03 is sufficient to overcome the Webber, Abgrall, and Gerace references.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 70-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (6,167,378) in view of Whipple (6,289,385).

Claim 70: Webber discloses a method for a first business entity to provide installation management in a network based supply chain framework between at least two other independent business entities such as service providers, vendors, resellers, manufacturers and the like, comprising:

causing a first business entity using a network to (col 6, lines 13-24; Fig. 4; col 19, lines 9-26):

- (a) receive information including information relating to a service provided by a service provider from the service provider (col 6, lines 60-67; Fig. 4; col 1, lines 12-17; col 19, lines 9-26);

Art Unit: 3622

- (b) receive information including information relating to manufacturer offerings by a manufacturer from the manufacturer (col 6, lines 60-67; Fig. 4; col 19, lines 9-26);
- (c) use the information provided by the service provider and the manufacturer to match the service to the offerings (col 6, lines 62-64; Fig. 4; col 2, lines 34-36; col 8, line 65-col 9, line 17; col 9, lines 47-52; col 19, lines 9-26).

Webber does not explicitly disclose that the service and manufacturer offerings information is utilized to manage installations.

However, Webber discloses installations (col 16, lines 20-25) computer service providers (col 6, lines 13-23) and that the information can be utilized to manage a wide range of relations between manufacturers, service providers, and clients (col 19, lines 9-26; col 3, lines 60-65; col 14, lines 48-54; col 17, lines 24-31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to that Webber's contracts management matching and managing method can involve contracts involving installation management. One would have been motivated to do this because installation management is an obvious form of contracts managements that involves several parties.

Webber further discloses that his invention is oriented towards project management that can include a wide variety of entities (col 3, lines 60-65; col 14, lines 47-55). Webber further discloses complex management across numerous companies that also includes supply chain management (col 21, lines 25-37). Examiner further notes that installation management is a type of project management.

Webber does not explicitly disclose that the first business entity is a framework manager.

However, Whipple discloses an event manager or global collaboration manager that coordinates all aspects of project management and framework management (col 2, lines 50-60; Fig. 2; col 3, lines 16-23; col 4, lines 33-51). Whipple further discloses that the project management can include numerous aspects of managing complex multi-enterprise projects (col 12, lines 30-60) and that the types of project that can be managed is highly flexible (col 15, lines 5-17) and that framework management has numerous aspects to it (col 17, lines 45-60). Whipple further discloses supply chain management (col 1, lines 26-31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Whipple's framework manager to Webber's first business entity in project management. One would have been motivated to do this in order to expand the flexibility and extensiveness of the project management that Webber discloses.

Claim 71: Webber and Whipple disclose a method as recited in claim 70, and Webber further discloses the first business entity using the network to:  
manage collaboration between the matched service provider and the manufacturer by facilitating the transmitting of information between the matched service provider and the manufacturer (col 19, lines 9-26).

Claim 72: Webber and Whipple disclose a method as recited in claim 71, and Webber further discloses the first business entity using the network to:  
provide a collaborative planning tool for managing the collaboration between the matched service provider and the manufacturer (col 19, lines 9-26; col 3, lines 60-65; col 14, lines 48-54).

Claim 73: Webber and Whipple disclose a method as recited in claim 70, and Webber further discloses the first business entity using the network to:

Art Unit: 3622

facilitate milestone-based project planning between the matched service provider and the manufacturer (col 17, lines 24-31; col 19, lines 9-26; col 3, lines 60-65; col 14, lines 48-54).

Claim 74: Webber and Whipple disclose a method as recited in claim 70, and Webber further discloses the first business entity using the network to:

display the manufacturer offerings of the matched manufacturer to the matched service provider using the network, and display the services provided by the matched service provider to the matched manufacturer (col 19, lines 9-26).

Claim 75: Webber and Whipple disclose a method as recited in claim 70, and Webber further discloses that the information of the manufacturer includes information relating to the availability of the manufacturer offerings (col 20, lines 15-30; col 20, lines 50-65).

Claim 76: Webber and Whipple disclose a method as recited in claim 75, and Webber further discloses the first business entity using the network to:

notify the service provider of the availability of the manufacturer offerings that match a service installation (col 19, lines 9-26; col 3, lines 60-65; col 14, lines 48-54; col 17, lines 24-31).

Claim 77: Webber and Whipple disclose a method as recited in claim 72 for milestone-based project planning during installation management in a network-based supply chain environment, and Webber further discloses:

- (a) displaying on a display a pictorial representation of an existing service including a plurality of components (col 4, lines 60-61; col 8, lines 41-51; col 11, lines 28-34; col 14, lines 40-44);
- (b) presenting on the display a first set of components that are to be delivered for an installation in a first phase by indicia coding the first set (col 17, lines 24-31); and

Art Unit: 3622

(c) presenting on the display a second set of components of the installation that are to be delivered for the installation in a second phase (col 17, lines 24-31; col 19, lines 9-26; col 3, lines 60-65; col 14, lines 48-54).

Webber does not explicitly disclose that different indicia are used for different phases of the project.

Webber further discloses project management (col 3, lines 60-65; 14, lines 48-54), scheduling (col 17, lines 24-31), and customized display formats (col 16, lines 19-47) in order to streamline processes (col 16, lines 14-47). Webber further discloses custom symbols in order to make a document easier to read and utilize (col 16, lines 33-36).

However, Webber further discloses project management (col 3, lines 60-65; 14, lines 48-54), scheduling (col 17, lines 24-31), and customized display formats (col 16, lines 19-47) in order to streamline processes (col 16, lines 14-47). Webber further discloses custom symbols in order to make a document easier to read and utilize (col 16, lines 33-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Webber's utilization of symbols or indicia to Webber's project management. One would have been motivated to do this because indicia or symbols allow a user an easy way to track different aspects of a project.

Claim 78: Webber and Whipple discloses a method as recited in claim 77.

Webber does not explicitly disclose presenting a legend which defines the indicia coding with respect to the phases of delivery of the components.

However, Webber discloses project management (col 3, lines 60-65; 14, lines 48-54), scheduling (col 17, lines 24-31), and customized display formats (col 16, lines 19-47) in order to

Art Unit: 3622

streamline processes (col 16, lines 14-47). Webber further discloses custom symbols in order to make a document easier to read and utilize (col 16, lines 33-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add a legend to Webber's project management and the utilization of symbols in a document. One would have been motivated to do this because a legend is obvious in any document that utilizes special symbols.

Claim 79: Webber and Whipple disclose a method as recited in claim 77, and Webber further discloses that the components of the existing service are selected from the group of components including security services, network services, web services, client services, integration capabilities, data services, directory services, management services, operation services, and developer services (col 3, lines 60-65; 14, lines 48-54; Fig. 2; Fig. 4).

Claim 80: Webber and Whipple disclose a method as recited in claim 77, and Webber further discloses that the components of the existing service are selected from the group of components including commerce-related services, content related services, administration-related services, customer-related services, and education related services (col 3, lines 60-65; 14, lines 48-54; Fig. 2; Fig. 4).

Claim 81: Webber and Whipple disclose a method as recited in claim 77.

Webber does not explicitly disclose that the indicia coding is selected from the group of indicia coding including texture coding, color coding, and shading coding.

However, Webber discloses customized display formats (col 16, lines 19-47) in order to streamline processes (col 16, lines 14-47). Webber further discloses custom symbols in order to make a document easier to read and utilize (col 16, lines 33-36).



Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add texture, color, or shading Webber's documents with specialized symbols. One would have been motivated to do this because texture, color, or shading are obvious ways to make something stand out in a document and to attain the attention of a reader.

4. Claims 82, 83, 84, 86 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (6,167,378) in view of Whipple (6,289,385) in view of Abgrall (6,373,298).

Claim 82, 83, 84, 86: Webber and Whipple disclose a method as in claim 70. Webber further discloses installing a service (col 16, lines 20-25) and project management (col 3, lines 60-65; 14, lines 48-54) and that users can buy goods or services or make specific requests (col 20, lines 15-21).

Webber does not explicitly disclose profiling a client user.

However, Abgrall discloses a method, program, and apparatus for displaying content to a user based on a profile (Abstract and col 3, lines 28-31). Abgrall further discloses identifying a user (col 8, lines 49-51; col 3, lines 8-11; and Fig. 1), collecting information about the user wherein the information relates to the installation of a service (col 3, lines 1-8), building a profile of the user based on the collected information (col 3, lines 10-15), managing a plurality of different contents (col 2, lines 23-33), analyzing the profile and the contents in order to match attributes of the profile of the user and attributes of the contents (col 9, lines 25-55), selecting the contents which have attributes that match the attributes of the profile of the user (col 9, lines 40-42), and delivering the selected contents to the user (col 9, lines 40-42).

Art Unit: 3622

Abgrall further discloses that the step of analyzing the profile occurs in real time (col 9, lines 50-55 and col 10, lines 20-29).

Abgrall further discloses identifying a time when the user last viewed the contents, and indicating portions of the contents that have been modified or added since the time when the user last viewed the contents (col 3, lines 10-15; col 4, lines 26-31; col 11, lines 34-35; and col 10, lines 20-25).

Abgrall further discloses further discloses allowing the user to rate the contents (col 4, line 67-col 5, line 7 and col 10, lines 22-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Abgrall's profiling a client user to Webber's providing a service to a client user and allowing a client user to purchase goods or services. One would have been motivated to do this because profiling a client user who makes requests or purchases goods or services increases the likelihood of more efficient sales of goods or services to the client user.

5. Claim 85 is rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (6,167,378) in view of Whipple (6,289,385) in view of Abgrall (6,373,498) in view of Gerace (5,991,735).

Claim 85: Webber, Whipple, and Abgrall disclose a method as in claims 82. Abgrall further discloses that the user is identified by receiving user input (col 4, line 67-col 5, line 7 and col 10, lines 22-25) and that digital signatures are used (col 9, lines 3-11).

Abgrall further discloses profiling the user utilizing a variety of means (col 3, lines 1-15), utilizing a website and downloaded software to assist in the user identification and profiling (col

Art Unit: 3622

4, lines 20-27; col 4, line 65-col 5, line 6), and that the system can utilize the Internet and websites (col 2, lines 35-45; col 2, lines 22-26).

Abgrall does not explicitly disclose the use of cookies to identify a user.

However, Gerace discloses identifying a user and his preferences using cookies (col 13, line 59- col 14, line 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's utilization of cookies to Abgrall's user profiling and content delivery method, program, and system. One would have been motivated to do this so that Abgrall can track users utilizing a method common to the industry that provides ease of management when interacting with the Internet.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 70-86 have been considered but are moot in view of the new ground(s) of rejection.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety that is being referred to.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Furthermore, when terms such as 'framework manager' are utilized with out further specifications in the claims, that term is open to a broad interpretation.

***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a) Bhaskaran (6,157,915) discloses project management across numerous entities.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The examiner can normally be reached on Mon- Fri, 7:30-4:00.

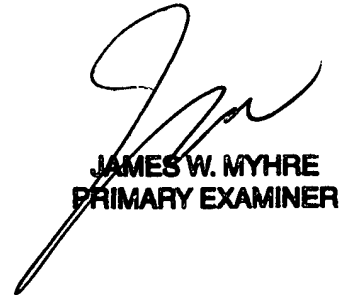
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9326.

Art Unit: 3622

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.

AD

12/17/03

  
**JAMES W. MYHRE**  
**PRIMARY EXAMINER**